WO

9 Martin Lopez-Heredia,

Petitioner,

Bruno Stolc, Warden,

Katrina S. Kane, Field Office Director, Immigration and Customs Enforcement;

Respondents.

Susan Lambert, Deportation Officer; and)

vs.

20 21

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

) No. CV-08-349-PHX-DGC (GEE)
) ORDER

Petitioner Martin Lopez-Heredia, a native and citizen of Mexico, is being detained at the federal detention center in Eloy, Arizona. Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, arguing that his current detention while in removal proceedings is contrary to law. Dkt. #1. United States Magistrate Judge Glenda Edmonds has issued a report and recommendation ("R&R") recommending that the Court grant the petition unless the Government provides a bail hearing to Petitioner within 60 days of the Court's order. Dkt. #28.

Respondents have filed an unopposed motion to hold proceedings in abeyance pending extrajudicial resolution efforts. Dkt. #27. Respondents assert that pursuant to two recent Ninth Circuit cases, Petitioner may be entitled to a bond hearing before an immigration judge. *Id.* at 1 (citations omitted). Respondents request that the Court hold proceedings in abeyance until October 3, 2008. *Id.* at 1-2.

Case 2:08-cv-00349-DGC Document 29 Filed 09/29/08 Page 2 of 2

The Court will grant Respondents' motion. Any objections to the R&R shall be filed on October 6, 2008, and any responses to objections shall be filed by October 24, 2008. The parties are advised that the Court has no obligation to review the R&R absent specific written objection. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3); Thomas v. Arn, 474 U.S. 140, 149 (1985); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). IT IS ORDERED: 1. Respondents' motion to hold proceedings in abeyance (Dkt. #27) is **granted**. 2. Any objections to the R&R shall be filed on October 6, 2008. 3. Any responses to objections shall be filed by October 24, 2008. DATED this 26th day of September, 2008. Daniel G. Campbell David G. Campbell United States District Judge